

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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In The Matter of the Formal Complaint
of Jody Kimbrell of Kimbrell Realty, Inc.

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DEPUTY CLERK'S OFFICE
Doc No. 03-0304

**ANSWER OF ILLINOIS-AMERICAN WATER COMPANY
TO FORMAL COMPLAINT**

Illinois-American Water Company ("Illinois-American" or the "Company"), by and through its attorneys, Sue A. Schultz and Mary G. Sullivan, for its answer to the formal complaint filed by Jody Kimbrell of Kimbrell Realty, Inc., states:

1. *Illinois-American is a duly incorporated company, incorporated under the laws of the State of Illinois on August 15, 1916, and is duly authorized to do business in the State of Illinois. It is a public utility within the meaning of the Act of the General Assembly of the State of Illinois entitled "An Act Concerning Public Utilities", approved June 29, 1916, and enforced July 1, 1921, as amended, and is now engaged in the business of furnishing potable water service to the public of the State of Illinois.*

2. *Illinois-American provides water and sanitary sewer service in several counties in Illinois, including certain areas in Peoria County.*

3. *Jody Kimbrell executed an application for private fire protection service on October 5, 1997 for Jeth Court apartments ("JCA"). See attached Exhibit 1, a copy of the "Agreement". A copy of the executed agreement was sent to Ms. Kimbrell and to the City of Peoria Fire Department. See Exhibit 2 attached hereto, correspondence to Kimbrell and Fire Department.*

4. *As a part of Illinois-American's Commission approved tariffs for the Peoria area, Illinois-American charges a public fire protection charge for all domestic water service. See attached tariff sheet No. 22, page 3, attached as Exhibit 3.*

5. A private fire protection service fee is also a part of the Company's approved tariffs. See attached as Exhibit 4 tariff sheet No. 22, page 2. These fees apply to facilities which have installed a private fire protection system.

6. The apartment units in JCA are each separately metered and billed for domestic water service.

7. Each, therefore, is subject to the tariff charge for public fire service.

8. Pursuant to the Agreement, JCA also pays for additional private fire protection service

9. In April 2002, Illinois-American confirmed with the Chief of the Fire Prevention Department of the City of Peoria that the private fire hydrant at JCA is a valuable piece of fire fighting equipment and must remain in service. See correspondence and dictation of voicemail message regarding this issue, attached as Exhibit 5.

10. Based on the foregoing both private and public fire protection charges are valid and applicable to JCA.

11. The main, services and shutoff boxes are owned by the complainant. The shutoff box lids have been modified such that some are difficult to open. In addition, the JCA parking lot, where the shutoff boxes are located, was covered with new blacktop. The blacktop was laid so close to the lids of the shutoff boxes that it difficult to open them. In the past, Illinois-American's employees attempted to open the stop box caps with a hammer. Complainant objected to Illinois-American servicemen operating the shutoff boxes and threatened to have the servicemen arrested. In response to complainant's concerns regarding damage to boxes and pavement, Illinois-American instructed its employees to cease this practice. Illinois-American no longer terminates service but rather takes a final read on the meter and finals the account but service is not disconnected.

12. Pursuant to Commission approved tariffs, all metered general water service customers shall pay a customer charge based upon the size of the meter installed. See tariff sheet No. 22, page 1, attached as Exhibit 6.

13. Previously the complainant would have water service transferred into her name between tenants. When this occurred, the Complainant was responsible for both the customer and usage charges for such apartments.

14. Complainant advised Illinois-American that she should not have to pay the customer charge but only for water usage because she owns the water mains. This was incorrect under the approved tariffs. At one point complainant had several delinquent accounts.

15. In an effort to resolve the issue, Illinois-American wrote a number of the delinquent bills off.

16. Since that time, when a tenant moves, service has not been disconnected and complainant has not put service in her name during the period the apartment unit is vacant.

Since Illinois-American provides Ms. Kimbrell with standard water service consistent with the terms and charges contained in its tariffs approved by the Illinois Commerce Commission, Illinois-American does not believe that it can make the changes requested by complainant.

Respectfully submitted,

ILLINOIS-AMERICAN WATER COMPANY

By: 
Mary G. Sullivan
Associate Corporate Counsel

ATTORNEYS FOR ILLINOIS-AMERICAN:

Sue A. Schultz, General Counsel
Mary G. Sullivan, Associate Corporate Counsel
Illinois-American Water Company
300 North Water Works Drive
Belleville, IL 62223
Phone: (618) 239-2225

STATE OF ILLINOIS

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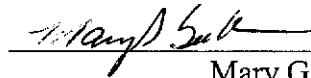
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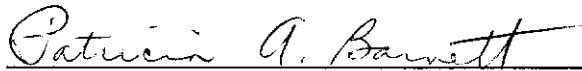
VERIFICATION

Mary G. Sullivan, Associate Corporate Counsel of Illinois-American Water Company,
being first duly sworn, deposes and states that she is familiar with the facts stated in the Answer
of Illinois-American Water Company to Formal Complaint, that said facts are true and correct to
the best of her knowledge, information and belief.

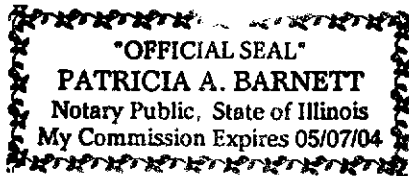


Mary G. Sullivan

SUBSCRIBED and SWORN to before me
this 29th day of May, 2003.



Notary Public



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ILLINOIS COMMERCE COMMISSION

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Docket No. 03-0304

CERTIFICATE OF SERVICE

I, Mary G. Sullivan, do hereby certify that copies of the attached Answer of Illinois-American Water Company to Formal Complaint have been served upon the following, via UPS overnight delivery, this 28th day of May, 2003:

Ms. Jody Kimbrell
Kimbrell Realty, Inc.
6608 N. University St.
Peoria, IL 61614

Ms. Elizabeth Rolando, Chief Clerk
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

